

## **Assembly Bill No. 2265**

### **CHAPTER 578**

An act to add and repeal Sections 41329 and 41329.1 of the Education Code, relating to the West Contra Costa Unified School District, and making an appropriation therefor.

[Approved by Governor September 22, 2000. Filed  
with Secretary of State September 23, 2000.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

**AB 2265, Aroner. West Contra Costa Unified School District.**

Existing law, the Leroy F. Greene School Facilities Act of 1998, establishes a program for allocation by the State Allocation Board of state per-pupil funding to school districts for new construction and modernization of school facilities, including hardship funding and supplemental funding for site development and acquisition. Existing law made the West Contra Costa Unified School District ineligible for funding until November 4, 1998.

This bill would appropriate \$1,600,000 from the General Fund and allocate \$800,000 of these moneys in the 2000–01 fiscal year, and appropriate \$800,000 annually thereafter, to the Superintendent of Public Instruction for allocation to the West Contra Costa Unified School District for projects that would otherwise have been eligible for state funding, between 1993 and 1998, inclusive, and would limit the amount of funds allocated to the school district to the amount that it otherwise would have been entitled to, plus interest. The bill would authorize use of those funds for any discretionary school district purpose. This bill would make these provisions inoperative on July 1, 2005, and repeal them on January 1, 2006.

This bill imposes a state-mandated local program by requiring the County Office Fiscal Crisis and Management Assistance Team to conduct assessments of the West Contra Costa Unified School District and complete improvement plans in the areas of instruction, finance, facilities, personnel management, and community relations. The bill would allocate the remaining \$800,000 of the appropriation to the County Office Fiscal Crisis and Management Assistance Team for those purposes. The bill would require the team to file status reports every 6 months with various entities, including the Legislature, on the school district's progress in meeting the recommendations of the various improvement plans.

This bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

The funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. It is the intent of the Legislature that the governing board, staff, and community of the West Contra Costa Unified School District contribute to and participate in a process to improve the district's performance in the five major operational areas of pupil achievement, fiscal management, facilities management, personnel management, and governance, including community relations.

SEC. 2. Section 41329 is added to the Education Code, to read:

41329. (a) The sum of one million six hundred thousand dollars (\$1,600,000) is hereby appropriated from the General Fund according to the following schedule:

(1) Eight hundred thousand dollars (\$800,000) to the Superintendent of Public Instruction for the 2000–01 fiscal year, and an equal amount, which shall be appropriated annually thereafter, for allocation to the West Contra Costa Unified School District to reimburse the district for its inability to participate, between 1993 and 1998, inclusive, in the state school facilities funding program due to the exclusion contained in Section 17017.1. The Legislature finds that the issue of repayment is a matter that is separate and apart from the issue of access to adequate school facilities for pupils of the school district and that West Contra Costa Unified School District should not be prevented from sharing in those funds.

(2) Eight hundred thousand dollars (\$800,000) to be paid by the Controller directly to the Kern County Office of Education for the exclusive use by the County Office Fiscal Crisis and Management Assistance Team for the purposes of conducting the assessments and completing the improvement plans specified in Section 41329.1.

(b) Funds allocated to the school district by the Superintendent of Public Instruction pursuant to paragraph (1) of subdivision (a)

shall not exceed the total school district modernization project eligibility for the period of time between 1993 and 1998, inclusive, for which the school district did not realize state funding assistance and to which it would otherwise have been entitled but for the statutory exclusion, plus interest at the rate of 1 percent less than the rate earned on the current Pooled Money Investment Account.

(c) Because the school district was forced to rely fully on operating and other local discretionary funds to resolve many of its school facilities needs during the period of time in question, funds received pursuant to paragraph (1) of subdivision (a) may be used by the school district for any discretionary school district purpose.

(d) As a condition of receiving funds pursuant to this section, the West Contra Costa Unified School District shall agree to cooperate with the County Office Fiscal Crisis and Management Assistance Team in the fulfillment of the team's responsibilities pursuant to Section 41329.1.

(e) This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 41329.1 is added to the Education Code, to read:

41329.1. (a) The County Office Fiscal Crisis and Management Assistance Team shall conduct comprehensive assessments and shall complete, by July 1, 2001, the following improvement plans for the West Contra Costa Unified School District:

(1) An instructional improvement plan that includes special education and programs for English language learners and is consistent with the financial improvement plan required by paragraph (2). The plan shall specify pupil outcomes that reflect significant improvement in pupil achievement, particularly in the areas of reading, writing, and mathematics. Among the areas addressed by the plan shall be the alignment between the written, taught, and tested curriculum consistent with the state's adopted instructional standards. Included in the plan shall be a clear link between professional development for all instructional staff consistent with pupil achievement objectives.

(2) A financial improvement plan that is consistent with the instructional improvement plan required by paragraph (1) and that includes the current and future projected solvency and fiscal integrity of the school district. The financial improvement plan shall also include, but not be limited to, specific strategies for developing a loan repayment plan to fully extinguish the balance on state loans provided to the district and for improving the following:

- (A) Management information systems.
- (B) Accounting and internal control procedures.
- (C) Attendance accounting procedures.

(3) A facilities improvement plan that shall be consistent with the financial improvement plan required by paragraph (2), and that includes, but is not limited to, specific strategies for improving the following:

(A) Protection and safety for pupils, employees, and district property.

(B) Ongoing maintenance of district property.

(C) Management control and procedures for managing all construction and modernization projects.

(4) A personnel management improvement plan that is consistent with the financial improvement plan required by paragraph (2), and that includes, but is not limited to, specific strategies for improving the following:

(A) The recruitment, retention, screening, assessment, and hiring procedures for all district staff.

(B) The training of members of the governing board of the school district in the subjects about which members of the governing board must have knowledge in order to discharge their duties as board members effectively.

(C) The assessment of the administrative practices of the school district and staff development to ensure that staff have the knowledge and skills required to manage effectively the educational programs, finances, safety, and facilities maintenance of the school district.

(D) The calculation and maintenance of appropriate and efficient full-time equivalent staffing ratios for all school district staff.

(E) The governance structure of the school district in relation to board policy development, operational effectiveness, and responsiveness to the community.

(5) A community relations improvement plan that is consistent with the financial improvement plan required by paragraph (2), and that includes, but is not limited to, specific strategies for improving the communication among the governing board, personnel of the school district, pupils, and parents.

(b) Beginning on December 1, 2001, and each six months thereafter until July 1, 2003, County Office Fiscal Crisis and Management Assistance Team shall file a written status report with the appropriate fiscal and policy committees of the Legislature, including any special committees created for the purpose of reviewing the reports, and with the governing board of the school district, the Superintendent of Public Instruction, the Director of Finance, and the Secretary for Education. The reports shall include the progress that the West Contra Costa Unified School District is making in meeting the recommendations of the improvement plans developed pursuant to subdivision (a).

(c) County Office Fiscal Crisis and Management Assistance Team shall provide to the Controller an accounting of expenditures made by it pursuant to the requirements of this act.

(d) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date.

SEC. 4. Due to the unique circumstances concerning the impact that the West Contra Costa Unified School District emergency had upon its subsequent inability to participate in state funding for school facilities, it is necessary that special funding provision be enacted, and the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

